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July 7, 2008

### By Facsimile

Hon. Charles L. Brieant  
United States District Court  
Southern District of New York  
United States Courthouse  
300 Quarropas Street, Room 275  
White Plains, New York 10601-4150

Re: In re: PepsiCo, Inc., Bottled Water Sales and Marketing Practices Litigation  
(7:08-md-01903)

Dear Judge Brieant:

We represent Defendants PepsiCo, Inc. and Pepsi Bottling Group, Inc. in the above referenced matter. We submit this letter with the agreement of counsel for the Plaintiffs and counsel for Defendant Pepsi Bottling Ventures LLC regarding a negotiated proposed order for preservation of evidence ("Preservation Order"). Pursuant to Pretrial Order Number 1, submitted by the parties to the Court and entered on June 4, 2008, the parties were to negotiate the terms of a Preservation Order and submit them or any remaining disputes to the Court by today, July 7, 2008. While the parties have been negotiating in good faith, due to the technical issues involved in the preservation of certain electronically stored information, they have not yet resolved all the issues involved in an agreed upon Preservation Order. The parties feel that they may be able to resolve these issues and therefore respectfully request an extension until July 18, 2008 for either submitting the agreed upon order or any remaining disputes to the Court. The parties are submitting a proposed extension order together with this letter.

**PROSKAUER ROSE LLP**

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Should the Court have any questions or concerns, we will be happy to address them.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael S. Lazaroff", written over a series of horizontal lines.

Michael S. Lazaroff

**Attachment**

cc: Seth R. Lesser, Esq.  
Jeffrey A. Klafter, Esq.  
Donald H. Tucker, Jr., Esq.